REMARKS

Claims 10, 12-16, 28, and 30-38 are pending in the present application.

Claims 10, 12-16, 28, and 30-34 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Ben-Meir et al. (U.S. Patent Number 5,652,893) (hereinafter "Ben-Meir") in view of Edmonds et al. (U.S. Patent Number 6,412,079) (hereinafter "Edmonds"). Applicant respectfully traverses this rejection.

Claims 35-38 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Ben-Meir and Edmonds in view of Weinstein (U.S. Patent Number 5,939,799). Applicant respectfully traverses this rejection.

Applicant's remarks in previous responses to Office actions are maintained in this response and are herein incorporated by reference **to preserve them for appeal**. The Examiner responded to Applicant in section 15 of the present office action. Accordingly, in addition to the above referenced Applicant remarks, Applicant's response to the Examiner is below.

Applicant respectfully disagrees with the Examiner's response. More particularly, the Examiner re-asserts that the combination of Ben-Meir and Edmonds teach or suggest the combination of features recited in Applicant's claims. Specifically, the Examiner asserts "Ben-Meir discloses the use of a first and second power supply that are connected to a backplane. Ben-Meir also teaches the lines being redundant (See Fig. 1, Col. 2, lines 1-8, and Col. 3, lines 15-38). This is interpreted as a first redundant source of power adapted to provide power to a first split path, and a second source of power adapted to provide power to a second split path, wherein the first and second split paths are adapted to transmit signals. Edmonds teaches a dual backplanes that can perform the same task in an active/active manner and teaches parallelism, this would include the same message being transmitted on both backplanes, thus a first portion

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would be on a first split path and a second portion would be on a second split path (See Fig. 3 and Col. 6, lines 17-19 and Col. 9, lines 44-45)…"

Applicant respectfully disagrees with the Examiner's "interpretations." Specifically, the Examiner is misquoting Edmonds and as recited in previous responses by Applicant, applicant maintains Edmonds teaches at col. 6 "Further, **multiple servers may perform the same task** in an active/active scalable manner. By providing a client process with access to a pool of like servers which are load balanced, the response time for each request is optimized." (Emphasis added)

Applicant submits Edmonds also discloses in Col. 9, "By using CIFS locking strategies, system wide resources and queues can be processed locally and in parallel with peer servers such as resource managers, application managers, pager/outdialer managers, and fax managers. The **lock technique** improves parallelism and scalability while reducing load balancing and fail-over complexity." (Emphasis added)

From the above, disclosure in Edmonds, it is clear to applicant that the Examiner is reading things into Edmonds that are not taught or disclosed. More particularly, Applicant submits Edmonds is referring to servers performing tasks in an active/active manner. Applicant also submits it is well known that tasks operating in parallel do not necessarily perform identical requests nor provide identical responses. Accordingly, when Edmonds refers to parallelism, applicant submits Edmonds is referring generally to parallel processing and tasks being performed in parallel to speed the process that a client is running. As such, applicant submits the Examiner is wrong in his interpretation that Edmonds is teaching "this would include the same message being transmitted on both backplanes, thus a first portion would be on a first split path and a second portion would be on a second split path."

Further, even if Edmonds did teach the backplanes sending the same signals in parallel (which Edmonds does not), Applicant submits Edmonds does not teach or disclose "wherein the first and second split paths are adapted to convey signals

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corresponding to a first portion and a second portion of a message, *respectively* in parallel from a source to a destination."

Lastly, Applicant submits even if, (*arguendo*), the references taught what the Examiner is suggesting, the Examiner has not established a *prima facie* case of obviousness. Applicant challenges the Examiner's assertion that "it would have been obvious ... because both Edmonds and Ben-Meir show a desire to use redundancy in order to be as close to a hundred percent availability as possible." Applicant submits this is a generalized statement and in no way suggests either reference should or could be combined with the other. More particularly, according to MPEP §2143.01 III, fact that references can be combined or modified is not sufficient to establish prima facie obviousness.

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CONCLUSION

Applicant submits the application is in condition for allowance, and an early notice to that effect is requested.

If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C. Deposit Account No. 501505/5681-53300/SJC.

Respectfully submitted,

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